



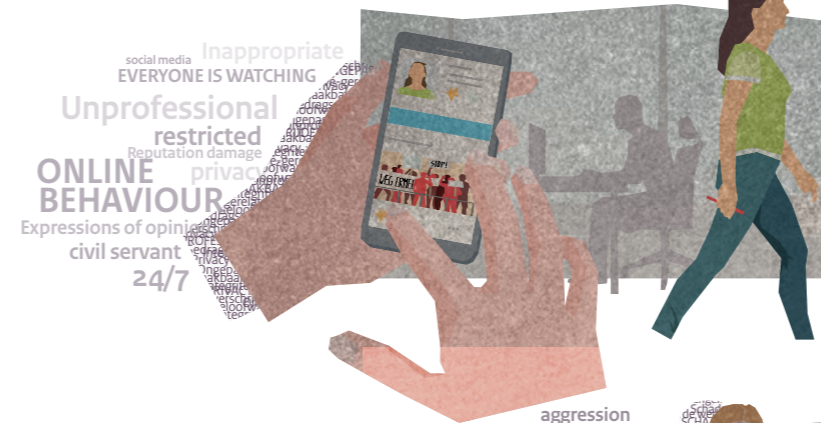
# Central Government Code of Conduct on Integrity for BZ

'Working for the central government means that you work in the service of society with money that belongs to all of us. This requires ethical behavior from everybody who works for the central government, both for civil servants as well as external employees. That is why the Central Code of Conduct exists. This Code of Conduct provides guidance in various situations, it presents examples of dilemmas and it contains tools that help to act with integrity which can be used during as well as after working hours. This interactive code of conduct contains links to specific information for all employees of the ministry of foreign affairs: for those who work in The Hague, expatriate employees, diplomats and local employees, in permanent or temporary employment.'



'In this code of Conduct, great importance is attached to making integrity a topic of discussion. Defining what constitutes ethical behavior is something that we should do together. We need each other for this.'

[Introduction >](#)



'Confidential information should be safe with you. This entails that you don't leak confidential information to others, nor leaving confidential information lying around, or provide others access to information they shouldn't receive.'

[Information and communication >](#)

'Performing your job conscientiously happens in daily practice and is not bound by the workplace or working hours. We live in a digital world where flexible work formats exist and where there is a thin line between work and private life.'

[Good employership, good employership and civil service >](#)



[Work and private relations >](#)



'When working as a civil servant it is expected from you that you will treat others respectfully, both in your interactions within as well as outside the ministry.'

[Work and private relations >](#)



'Citizens and external parties must be able to trust the government to not be biased or partisan. Even more, citizens should be able to trust the government to make decisions on objective grounds.'

[Integrity values >](#)



'As a civil servant abroad you must constantly be aware of the fact that you are representing the ministry as well as the Kingdom of the Netherlands. This means that you carry the (joint) responsibility for the reputation of the Kingdom of the Netherlands abroad.'

[Abroad >](#)



'Respect the fact that you are working with government resources that have been made available for your job. Use them carefully, economically and without waste for the intended purpose for which you received them.'

[Conflict of interests and use of public funds >](#)

'After the start your job at the ministry, you will take the oath or the promise. By doing this, you declare that you understand what it means to be a civil servant and that you will behave accordingly. You will sign the oath form, after which it will be saved in your personnel file.'

[Prevention and enforcement >](#)



# Dear colleagues,

At BZ we work together to achieve our mission. The values we project externally are the same ones we put into practice internally. We work with – and for – each other. Integrity, respect, teamwork and inclusion are our foundation. We treat each other with professionalism, courtesy and respect, and conduct ourselves in the same way in the society we live in and work for.

With these [1 BZ core values and norms in mind I am presenting this code of conduct](#), which sets the standard for a safe and just BZ. A BZ where we treat each other with [respect](#). A BZ where there is no place for discrimination. Every member of staff should act in accordance with this code.

Together, we represent the Netherlands. Only by working together can we provide the outstanding diplomacy that the Netherlands needs. We achieve our goals through the collective efforts of teams that bring together diverse talents and perspectives and embrace differences. And by discussing doubts and moral dilemmas, reflecting on our interpersonal relations and by speaking up. This makes our organisation even stronger.

## More than a code of conduct

This code of conduct is based on the Central Government Code of Conduct on Integrity. On certain topics we have added specific provisions for BZ. So why have we done this? The reports on safe reporting (2022) and the explorative study on racism (2022) at BZ have underlined the importance of integrity, a socially safe working environment, and diversity and inclusion within our organisation. That is why this code of conduct includes more information on discrimination, sexual harassment and diversity and inclusion in general. And working worldwide in different cultural settings, with more than 140 missions abroad, also calls for certain rules to be fleshed out in greater detail. If you would like to learn more, you can click on the orange and blue globes in the code of conduct to find more information about specific topics.



**It's important to login with your BZ account, otherwise you will receive an error message! If the text is in Dutch and you want English, click on the British flag on the top right of your screen.**

### The mission of BZ

We're here. To represent the Kingdom worldwide and to make the difference through diplomacy. To work on stability elsewhere that helps keep the Netherlands safe and secure. We're here for all Dutch nationals who live, work or travel abroad and need help or advice. We're here to create opportunities and open doors for Dutch businesses. To promote economic growth and make the Netherlands more prosperous too. We're here to make international agreements on global challenges like climate change and inequality. And to help build a just and sustainable world. We're here. For the Netherlands, worldwide.

I trust that this code of conduct will contribute to a safe and inclusive culture and working environment at BZ. Its message is integral to our day-to-day work. Integrity, diversity and inclusion and a safe working environment all go hand in hand. They cultivate an environment where each individual feels valued, respected and empowered to express their unique perspectives on their work.

With this code of conduct, the Senior Management Board aspires to combat inappropriate behaviour by taking a preventive approach since organisations with a socially safe working environment experience fewer integrity issues. And if incidents do occur, we act. We encourage staff to always take action if they experience or witness inappropriate behaviour or other incidents. This code of conduct gives guidance on which steps to take.

It is my hope that everyone will take this interactive code of conduct to heart, and that it will help us work towards a better BZ. A place where we all treat each other with respect and integrity, in a spirit of teamwork.

Kind regards, Paul Huijts

# 1 Introduction

## 1.1 Why this code of conduct?

### The importance of a government with integrity

The Netherlands is a democratic state under the rule of law. The motto of the Government of the Netherlands is: *'The Government of the Netherlands. For the Netherlands.'* As a civil servant, you contribute towards the functioning of our country.

### Trust is essential

The general public must be able to trust in the central government. The general public is in many respects dependent on the central government. Government decisions can have a deep impact on the functioning of the general public. The government must therefore have integrity. This means that the government must be honest and trustworthy in its functioning, and treat the general public appropriately and with respect. The government must also set an example: if you want the general public to conduct themselves properly, the government must conduct itself properly.

### Integrity awareness and the function of the code of conduct

Government integrity is expressed in the conduct of *administrators and civil servants*. That includes your conduct as a government official. It is therefore important that you understand what it means to work for the central government and the principles you need to adhere to in order to act with integrity. However, that is not enough. Integrity only really comes to life in everyday practice and in the conversations you have with one another about it. What issues do you encounter in the course of your work and how are you expected to behave in these situations?

### Integrity is about human actions

It is entirely normal to have the occasional doubt. Standards and values are not always clearly practicable and can also contradict one another. Moreover, your personal integrity may conflict with your professional integrity. You are and remain personally responsible for your conduct. However, you need a framework that you can use to assess your behaviour.

### Code of conduct as a framework for ethical conduct

The Integrity Code of Conduct for the Central Government Sector provides you with a framework for ethical behaviour. It is nevertheless impossible for the code of conduct to provide for every conceivable situation. Moreover, new developments mean that circumstances are constantly changing. This means that you must always think about and remain conscious of what it means to be a government official 'in the here and now' and conduct yourself accordingly. Always keep asking yourself whether you can account for your actions as a good civil servant.

The code of conduct provides a transparent description of what we mean by integrity and ethical conduct within the Government of the Netherlands. Its purpose is to clarify what we expect from one another and what the general public and external parties can expect from us, so that they can take this into account. The code of conduct therefore also has a protective function: it helps you to identify risks, and to resist temptation and external pressure. You may be held personally responsible for your integrity both internally and externally, and called to account for your conduct.

Finally, a wide range of specific rules and obligations apply in relation to integrity. The Central and Local Government Personnel Act (*Ambtenarenwet*) also prescribes the use of a code of conduct. The code of conduct increases awareness of these rules and is designed to ensure that they are interpreted and applied in a uniform manner. This can be achieved by discussing dilemmas and questions about integrity with one another on the basis of the code of conduct.

### Talk about it!

This code of conduct focuses on the discussion of integrity. The details of what ethical conduct means are something that we need to work out together. You need each other in order to do this. It is crucial that this discussion can take place in a safe environment and that the organisation does not tense up in response. This asks a lot of both employees and supervisors, both on the shop floor and among the senior echelons. Many are, wrongly, quick to think of whistleblowing when an integrity issue is raised, and among civil servants there is still the overbearing spectre of the whistleblower for whom things ultimately do not work out well. That is a shame. Because the easier it is for us to talk to one another about it, the more normal it will become to consciously involve integrity in all our decisions. Not just decisions in our work, but also decisions about the organisation of our work.



## 1.2 Status and scope of application of this code of conduct

### Relationship to integrity policies and organisational codes of conduct

Integrity policy is about more than promoting good conduct as a civil servant. As part of integrity policy, this code of conduct focuses on the *behaviour* of civil servants and provides civil servants with essential information. It is also about how civil servants behave towards one another. The code of conduct supplements the existing regulations, rather than replacing them. The code of conduct can be viewed as an aid to the further interpretation of these regulations. This code of conduct applies to central government as a minimum framework for ethical conduct. Nevertheless, ethical conduct must always be considered within the context of the organisation. There is therefore scope for further specification and interpretation at organisational level. The reasons for doing so must always be clearly explained. Any further specification and interpretation must be no less strict than this code of conduct.

### For government officials. But also for external parties!

This code of conduct is directly applicable to you if you have an employment contract with the State and the Collective Labour Agreement for the Central Government Sector (*Collectieve Arbeidsovereenkomst Rijk, CAO Rijk*) applies to you. In this code of conduct you are referred to as a civil servant or government official, and your employer is referred to using the collective term 'central government'. The collective labour agreement sets out who can be an employer within the meaning of the CLA for the Central Government Sector.

## For anyone who works for central government

There are also people employed by the State who are not civil servants but who carry out activities in an official context. They include interns, temporary employees or other externally hired workers or freelancers. It will be neither clear nor relevant to the general public whether they are dealing with a civil servant or an external employee who happens to be representing the central government at any given moment in time. For this reason, external parties must also be made explicitly aware of the code of conduct and must be asked to sign an integrity statement (a model of which is attached as an appendix to this code of conduct).

This code of conduct therefore effectively applies to anyone who works for central government.

# 2 Being a good employer, employee and civil servant

Section 7:611 of the Civil Code (Burgerlijk Wetboek)  
(being a good employer and employee)

Section 4 of the Central and Local Government Personnel Act  
(Ambtenarenwet) 2017 (integrity policy, code of conduct).

Section 6, subsection 1, of the Central and Local Government Personnel Act  
2017 (being a good civil servant)

Section 5, subsection 1, opening words and (a) and Section 7 of the Central  
and Local Government Personnel Act 2017 and Central and Local  
Government Personnel Act Implementation Decree (Uitvoeringsbesluit  
Ambtenarenwet) 2017 (oath or solemn affirmation).

## Integrity as a prime focus of HR policy

Integrity must be part of the mindset for every civil servant. Management must play a leading role in establishing this mindset. A continuous focus on integrity is essential. Integrity is a feature of all aspects of the work, business operations and HR policy: recruitment, selection and induction of personnel, working instructions, work meetings, education and training, performance reviews and exit interviews. Integrity must be consciously taken into account when organising the work. Management plays an important role in this process and is responsible for promoting the integrity policy in word and deed.

### 2.1 A good public sector employer

#### **Duty of care, integrity policy and HR policy**

Just like any other employer, public sector employers have a duty of care toward their employees: civil servants. A good public sector employer behaves appropriately towards its civil servants, does not misuse its powers, respects the rights and privacy of civil servants, and ensures good working conditions and a safe work environment. Public sector employers are required to have an effective integrity policy as part of their duty of care. Among other things, this means that your employer must protect you against integrity risks by setting up the organisation and work processes accordingly (e.g. separation of duties), putting provisions in place (e.g. a confidential adviser) and drawing up a code of conduct for 'good conduct as a civil servant'. Creating a safe work environment is also a key responsibility of the employer and an absolute precondition when it comes to encouraging the discussion of integrity issues within the organisation. In this context, the loyalty expected of the employees cannot affect their ability to freely bring up any violations of integrity or misconduct they have experienced within the organisation.

#### **Leadership: the dual role of supervisors**

The employer is represented in practice by management, meaning supervisors at both administrative and operational level. These individuals fulfil a dual role: good civil servant and good employer. Supervisors have a responsibility to enable employees to meet the expectations imposed upon them in relation to integrity, including the expectation to call each other to account for their conduct. Supervisors also have an independent duty to address unethical conduct on the part of employees and to take measures where necessary. Their credibility in this regard depends on them themselves setting a good example. This is a big responsibility for supervisors. When it comes to integrity, they are required to display inspirational leadership and exemplary behaviour. They must be conscious of integrity at all times, demonstrate the importance of integrity, and thoroughly engage with the subject. It is important that they quickly recognise, identify and then appropriately tackle integrity risks. They must openly discuss dilemmas, reward positive behaviour and advise and assist employees. They must also support and, where necessary, protect employees who point out unethical conduct. Only then can employees feel safe enough to call one another and management to account for unethical conduct.

## *Supervisors must set an example: integrity does not come without effort!*

The foregoing means that the employer also has an explicit responsibility towards supervisors, namely to enable and, where necessary, support them in properly fulfilling their role. Consultation between supervisors is also important, to assess whether the role of management is being correctly interpreted.

The code of conduct can be used in a training and education setting to raise awareness of integrity among employees and supervisors.

### 2.2 A good public sector employee and civil servant

Your appointment as a civil servant changed to an employment contract on 1 January 2020. As a good public sector employee, you must meet your obligations towards your employer under your employment relationship. However, you are also still a civil servant, and are therefore required to meet the obligations imposed on you by the Central and Local Government Personnel Act and to act as a good civil servant. You are expected to show professionalism as a civil servant. As a good civil servant, you must be thorough, committed and conscientious in your work. Loyalty to your public duty is paramount. This relies heavily on your judgement, as every situation is different. You must serve the public interest while taking into account the legitimate interests of those who rely on you. To do this you must show commitment, wisdom and courage. Commitment to your organisation and the public interest you serve. The wisdom to strike the right balance in difficult situations, and the courage to be decisive and to turn your moral judgment into moral action. You are expected to take responsibility for your own conduct in this regard, and to be prepared for prior or subsequent scrutiny of your decisions. Taking personal responsibility also means discussing integrity issues with your colleagues and supervisor, or with the confidential adviser if necessary. This is not a sign of weakness or ignorance, but of professionalism as a civil servant.

#### **Conflicts of loyalty**

You may come across very difficult situations in which your professionalism as a civil servant presents you with a conflict of loyalty. You need to decide at this point how you will deal with the dilemma you are facing. It is important that you follow the correct procedures. A confidential adviser can help you.

#### **Good conduct both on and off duty**

A conscientious attitude towards your work is something that needs to occur on a daily basis, and it is not limited to your workplace or working hours. We live in a digital world where employment can be flexible and there is a fine line between work life and private life. It is important to be aware of this, as your conduct in your private life can also affect your behaviour as a good civil servant. This is a recurrent theme in this code of conduct.

## *Private conduct matters*

This code of conduct helps you to act ethically, which is part of being a good civil servant. Paying special attention to the underlying purpose of the code of conduct and the values discussed below will also help you to make the right decisions in situations that are not explicitly provided for in the code. If you are unable to resolve an issue on your own, discuss it with your colleagues on the basis of this code of conduct.



## *Use powers, resources and information with due care*

You must also be trustworthy and exercise due care in your dealings with others. You are expected to treat others correctly, courteously and with respect. Take others seriously and respect their privacy. This applies to your contact with the general public, external parties and colleagues, including both superiors and subordinates.

## *Exercise due care in your dealings with others*

### 3.3 Personal responsibility

Nowadays, there is more and more direct contact between civil servants and the general public. The government has become more accessible, and a wide variety of networks and rapid and modern means of communication are being used. As a civil servant this means you are becoming increasingly visible to the public. On the downside, incidents are rapidly magnified and politicised; imposing high demands on your skills and requiring a high degree of personal responsibility in your actions.

## *Holding each other responsible and demonstrating accountability*

You need to be aware of your visibility and the fact that you are at all times accountable for your conduct. You therefore need to take responsibility for your behaviour and account for your past actions. You are also expected to take responsibility for the integrity of the organisation as a whole. This means getting involved, helping others to make the right decisions, and calling others to account for unethical conduct. The values discussed above provide a general indication of how we should act. For some topics, however, more specific standards and rules apply. Further information on these topics is provided below.



# 4 Conflicts of interest and use of public funds

## 4.1 Gifts, services and other benefits or rewards

Section 8, subsection 1, opening words and (e) of the Central and Local Government Personnel Act 2017 (*gifts and other benefits*)

Sections 177 and 363 of the Dutch Penal Code (Wetboek van Strafrecht) (*bribery of public officials*)

As a civil servant you are trustworthy, independent and impartial in the performance of your work. You treat all your work contacts equally and you maintain a professional distance. You do not use your professional contacts to benefit others or yourself in an improper manner, in other words unless there are valid commercial grounds for doing so.

### **Bribery and acceptance of gifts, services or other benefits**

Granting favours to contacts in any way and accepting remuneration or benefits in return is a punishable offence. This is known as bribery of a government official. You must also try to avoid the appearance of bribery. For this reason, the law states that you cannot simply accept gifts from others in relation to your work. You can only do so if you have permission. The term 'gifts' refers not only to tangible gifts, but also other benefits in the form of rewards, remuneration, savings or discount schemes (such as air miles or frequent flyer points), services, favours or promises.

## *Do not be persuaded by gifts and benefits*

It is not practical to request permission in advance every time anyone offers you something. That is why certain principles apply. Openness and the ability to discuss the situation are key preconditions: this not only helps to identify temptations and make the right decision, but also promotes mutual trust.

### **Basic principles with regard to gifts, services and benefits:**

- make sure you remain independent: the background to the offer is key
- do not accept excessively expensive gifts (as a general rule you should never accept gifts worth more than €50)
- take rules of politeness into account

- be open about the situation, which means that you:
- \* report it (before or afterwards) to your supervisor
- \* discuss dilemmas with your supervisor and colleagues
- \* do not accept gifts at your home address
- \* do not use benefits obtained through work (such as loyalty points) for private purposes.

### **What does this mean in practice?**

Always consider who is offering you something at what point in time and what the background may be. Is it an exchange of courtesies, without any ulterior motive? If so, there are usually no objections to you accepting the gift. Examples include a bunch of flowers or a bottle of wine to thank you for a presentation given upon request. What if you receive a corporate gift from an external contact who may want you to look favourably upon them when making future decisions, such as when awarding follow-up contracts? Is this external contact perhaps taking part in an ongoing tender process? In that case the value of the gift is not the decisive factor. The issue is whether it may affect your independence. Do not be tempted. Do not accept the offer and explain why to ensure that the giver understands the reason and can bear this in mind in future.

Think about whether a gift is excessively expensive. A costly bottle of champagne as a token of thanks for a presentation seems excessive. You should generally not accept a gift worth more than €50. In some situations, for example in the case of international contacts, this rule may not apply. Accepted customs and etiquette may dictate that you should accept the gift out of courtesy, even if it is more expensive. If you initially accept a gift or it is sent to you, for example, this can have various consequences: you may be permitted to keep it, you may be required to return it/retroactively refuse the offer, or you may need to relinquish it. There are a number of ways in which a gift can be relinquished, including a prize draw, distribution, exhibition, or donation for general use or for charity. If there are grounds to do so, for instance for safety reasons, the gift may also need to be destroyed.

### **Remember:**

- Gifts are not necessarily tangible, they can also include invitations, the provision of a service, or the offer of a discount for private purposes.
- You are more vulnerable to influence or creating the appearance of influence if you have private contact or are even friends with a business relation. In that case it is difficult to draw a line between private and professional.

## 4.2 Invitations, commercial activities and sponsorship

### Invitations

Networking may be part of your role. If so, you may receive invitations from external parties. You can accept such invitations as long as you adopt a sensible approach and bear in mind the circumstances. The acceptance of invitations must be functional, restrained (in keeping with the circumstances) and practical. The principle of reciprocity of invitations is also a factor that should be borne in mind.

*Do not allow yourself to be wined and dined*

As is the case with gifts, context is key when accepting invitations. Combining a business meeting with dinner? This is not necessarily a problem. However, attending a sporting event in the VIP lounge at the request of an external business associate is a delicate issue. If this business associate also happens to be making a bid for a contract, you have a serious problem.

### Basic principles with regard to excursions, trips, dinners and events:

- discuss invitations in advance
- ask yourself if it is sufficiently necessary for the purpose of your job
- pay for things yourself (wherever possible)
- submit a claim for expenses incurred in accordance with the applicable rules.

To avoid unnecessary problems, invitations should be discussed with your supervisor and with your colleagues during work meetings. You can then learn from one another and from situations that arise. It is not the case that you can never accept anything at another person's expense: it depends entirely on the situation, the generally accepted etiquette in that situation, and the extent of the costs. What matters is that, when accepting an invitation from an external party, you ensure that you remain independent and do not allow yourself to be inappropriately 'wined and dined'.

### Commercial activities

Based on their expert knowledge, civil servants are often invited to appear as a speaker or member of an expert panel at commercially organised conference or symposium. Others, including fellow civil

servants, are then able to attend the event upon payment of an entry fee, which can occasionally be quite high. This is a source of contention. Firstly, because central government aims to share knowledge without commercialising this activity. Secondly, because public money must be spent efficiently. On the other hand, this type of collaboration is of our time and can certainly be useful and desirable, including at a commercial level. For example, if the activity is important for the development, clarification or promotion of policy. Management will determine whether this is the case. Transparency and openness play an essential role in making the right decision.

*Government knowledge must not be commercialised*

### Basic principles with regard to commercial activities while acting in an official capacity, such as speaking at conferences, etc.:

- refrain from taking part unless explicitly agreed otherwise
- discuss the activity with your supervisor in advance
- do not accept payment.

Commercial activities can also take place as an ancillary activity. In that case, the rules for ancillary activities and external communication apply. Both topics are dealt with in this code of conduct.

### Sponsorship

Caution should be exercised in relation to sponsorship and fundraising for staff events. Sponsorship includes the external financing of sports club activities, or other staff associations or foundations of which membership is restricted to government officials. Although these types of associations and foundations do not fall under the scope of the central government, they can still be associated with the government. External financing can create conflicts of interest or the appearance of such conflicts, for example if the sponsor is performing a major contract for the government, has entered into a framework contract with part of the central government, or is performing a contract for the unit in which the staff event is taking place.

*Do I want to be involved with this sponsor?*

Sponsorship of staff events can also have an undesired effect on the image of the central government or a government unit. It is important to be aware of these risks. Internal fundraising or sponsorship can also take place, such as a private initiative by a civil servant who is taking part in a run or cycling tour. Any contributions made towards such private initiatives from public funds must be very limited in terms of costs and preferably restricted to a facilitating role (e.g. t-shirts/ drinking bottles).

**Basic principles with regard to sponsorship:**

- be sensible and transparent
- avoid conflicts of interest
- if in doubt, consult management.

If you follow these rules, you can avoid inadvertently running into problems.

### 4.3 Professional and private use of public resources and facilities

Rules of Conduct for the Digital Working Environment (Gedragsregeling voor de digitale werkomgeving) of 23 June 2016 and any additional organisation-specific rules.

For the purpose of carrying out your duties, you are given access to government resources and facilities such as a computer, laptop or tablet, a smartphone, various office supplies, printing and photocopying equipment. You are also provided with access to the internet and intranet, you receive an access pass, and you can use company transport or public transport for work purposes. As a civil servant, you are expected to use these resources and facilities in a trustworthy manner and with due care.

**Appropriate professional use**

You must respect the fact that these are government resources to which you are being granted access for the performance of your work. Use them for the purpose for which they have been provided and with due care and economy to avoid any wastage.

## Do not waste public money

You should also take into account any applicable special conditions of use, security regulations or contract terms. Specific rules apply to use of the internet, email and other digital technology. The Rules of Conduct for the Digital Working Environment apply to all government departments. Additional rules or procedures may apply to your organisation. Downloading illegal software, viewing, downloading or disseminating pornographic, racist, discriminatory, insulting, offensive, intimidating or sexually intimidating texts and images, or sending messages that could constitute an incitement to hatred and/or violence, is prohibited. Careful use of resources and facilities also means that you must only declare business costs and actual costs incurred that are not already being reimbursed in another way (e.g. entertainment allowance), do not use your mobility card for private journeys, and do not loan your access pass to others.



### Appropriate private use

A strict ban on the private use of company resources and facilities is incompatible with contemporary employment relationships. Conversely, you will also use your own resources for work purposes at some time or another. Bear in mind that we are talking about government resources, in other words public resources that are ultimately financed with taxpayers' money. Appropriate private use is acceptable, unless explicitly agreed or stipulated otherwise. Misuse, namely excessive, unnecessary, disruptive or damaging private use, is not permitted. It is impossible to clearly pre-define what constitutes misuse. You must take personal responsibility and use your judgment. There is always a grey area: discuss with your supervisor what is, and what is not, acceptable on a case-by-case basis. Be transparent, cost-conscious, and reach clear agreements.

#### Examples of unauthorised private use:

- intentionally downloading large volumes of data (e.g. films, music, games) for private use at your employer's expense;
- producing copies for your own personal use frequently, over a long period of time, or in high volumes at work;
- making private calls, chatting or visiting internet sites frequently or over long periods of time during work;
- placing private orders or making private bookings via your work account;
- taking work property home for your own use without permission;
- dealing in or selling work property.

### Official cars

If a car is made available to you by or through the service (lease car), use this vehicle with due care and adhere to the rules. Be aware that an official car can sometimes be recognisable as such. Private use is permitted if and in so far as you have obtained written permission. You pay a personal contribution towards the kilometres you drive for nonbusiness purposes.

## 4.4 Financial interests and securities trading

Section 5, subsection 1, opening words and (d) of the Central and Local Government Personnel Act 2017 (*employer's obligations with regard to the designation of high-risk positions, financial interests and the duty to register*)

Section 8, subsection 1, opening words and (c) and (d) of the Central and Local Government Personnel Act 2017 (*ban on certain financial interests*)

Section 8, subsection 2, opening words and (b) of the Central and Local Government Personnel Act 2017 (*obligation to report and provide information on financial interests for designated civil servants*)

You may have financial interests in one or more companies, trade in securities or plan to do so. These activities could pose a risk, for instance due to conflicts of interest or inside knowledge of price-sensitive information. Your employer is obliged to designate positions that pose a particularly high risk in this regard. If you hold one of these positions, you must report any financial interests.

#### Basic principles with regard to financial interests:

- your employer designates high-risk positions within the organisation
- report any financial interests that could affect the interests of the service
- financial interests that adversely affect the service are prohibited
- maintain the secrecy of confidential, price-sensitive information to which you have access as a civil servant and do not use this information to benefit yourself or others.

If you hold one of these designated positions, you only have a duty to report if there is a link to your civil service role, and a ban only applies if the financial interests could potentially have an adverse effect on your proper performance or that of the service. Openness and the ability to discuss the situation are key. Also consider your partner's financial interests, as these may be deemed your indirect interests. If you are not sure whether you need to report an interest, consult your supervisor or a confidential adviser. Some organisations have a specially appointed officer for this purpose: the compliance officer.

## 4.5 Ancillary activities and incompatible duties

Section 5, subsection 1, opening words and (b) of the Central and Local Government Personnel Act 2017 (*employer's obligation to register ancillary activities*)

Section 5, subsection 1, opening words and (c) of the Central and Local Government Personnel Act 2017 (*employer's obligation to publish registered ancillary activities of certain civil servants*)

Section 8, subsection 1, opening words and (a) of the Central and Local Government Personnel Act 2017 (*ban on the performance of certain ancillary activities*)

Section 8, subsection 2, opening words and (a) of the Central and Local Government Personnel Act 2017 (*duty of the civil servant to report certain ancillary activities*)

*Incompatibility of Office (States General and European Parliament) Act (Wet Incompatibiliteiten Staten-Generaal en Europees Parlement) (incompatible duties)*

### What are ancillary activities?

Ancillary activities are all activities you carry out *in addition* to your work as a civil servant, paid or unpaid, regardless of scope, duration and form. They are not part of your activities as a civil servant and take place outside working hours (also during leave). They include writing an article or speaking at a conference in a private capacity. Central government encourages civil servants to carry out voluntary work or fulfil administrative duties for municipal councils, associations or foundations in their free time. It is also becoming increasingly common for civil servants to perform commercial activities, hold a paid job, or run their own business alongside their civil service role. This interaction between the market, society and the government offers many opportunities and benefits. Although rare, problems can sometimes occur due to conflicts of interest, or the appearance of conflicts of interest, or an undesired effect on your image as a civil servant or the image of the service. That is why a number of rules apply to ancillary activities.

### Basic principles with regard to ancillary activities:

- report ancillary activities that could affect the interests of the service
- ancillary activities that adversely affect your performance or the performance of the service are prohibited
- reassess ancillary activities if circumstances change
- reported, permitted ancillary activities by members of senior management are published along with the conditions.

### Duty to report and assessment of integrity risk

A duty to report and to register applies to ancillary activities that could affect the interests of the service in terms of the performance of your duties as a civil servant. As the person carrying out the ancillary activities, you have primary responsibility for assessing whether you are obliged to report them. You are not required to report ancillary activities that in no way affect the interests of the service. If in doubt, discuss with your supervisor or a confidential adviser whether you need to formally report and register your ancillary activities. Specific forms are available for registering ancillary activities (via P-Direkt [the Shared Service Centre for HRM of the Dutch government]/HR).

### Ask yourself the following questions when assessing whether you need to report ancillary activities:

- are the ancillary activities similar to your civil service position and field of work?
- in carrying out the ancillary activities, do you interact with the same network (individuals, companies and authorities) as in your civil service position?
- did you become involved in the ancillary activities through your civil service position?
- in carrying out the ancillary activities, do you use or benefit from information or specific knowledge and skills obtained through your civil service position?
- what is the extent of the ancillary activities in terms of time and/or earnings?
- what is the reputation of the organisation, sector or individual for which you are carrying out the ancillary activities?
- how might the general public view the ancillary activities?
- could the time and energy dedicated to the ancillary position have an adverse effect on your civil service position?
- do the ancillary activities result in an infringement of the Working Hours Act (*Arbeidstijdenwet*)?

## Ancillary activities? Only if permitted

By reporting and registering your ancillary activities you enable your supervisor to pre-assess their permissibility and to address risks in good time, protecting both you and the service. You will look together at whether the activities place your integrity at risk and the measures you or your supervisor can take to counter this risk. Your supervisor will impose further conditions if necessary. Pay regular attention to and reassess the situation if circumstances change (in relation to your ancillary activities or civil service position).

### Prohibited ancillary activities and incompatibility of duties

Ancillary activities that could potentially have an adverse effect on your proper performance as a civil servant or the proper performance of the service are prohibited. For example, if the activities have a negative impact on your availability and deployability for your civil service duties, your image as a civil servant, or the image of the service you work for, and these effects cannot be prevented with less extreme

measures than a ban. If the problem cannot be resolved, you will not be permitted to commence the ancillary activities as long as you hold your civil service position, or you will be required to cease them. Even if there are no objections in relation to your job performance itself, the relationship between the ancillary activities and the performance of your public service duties may be unacceptable. If your ancillary activities could cast doubt on your trustworthiness, then the trust placed in you as a civil servant and in the government could be compromised, creating an unacceptable obstacle to the proper performance of your duties or the proper performance of the service you work for. In some cases, ancillary activities can give the outward appearance of jeopardising your independence as a civil servant. This appearance alone may be so undesirable that it precludes the proper performance of your duties or the proper performance of the service. The nature of your position and activities play an important role in this assessment. Some positions are more vulnerable in this respect than others, and will be subject to more stringent requirements on ancillary activities. However, the nature of the ancillary activities is also a factor. For example, if the performance of the ancillary activities is a fundamental right in itself, the activities are less likely to be prohibited.

The law states that government officials cannot fulfil their function in combination with membership of the Dutch Senate or House of Representatives or of the European Parliament. These roles are incompatible. For the sake of clarity: you are not prohibited from occupying other political offices or a committee position with a trade union alongside your civil service position.

## 4.6 Cooling-off period in the event of a sensitive job move

### What is classed as a sensitive job move?

In exceptional cases a career move from the civil service to another job may be sensitive due to the associated integrity risks. Examples include a move from a vulnerable job (see 8.3) to a job that you would be obliged to report or that would even be prohibited as an ancillary position. This is because there may be a conflict of interest between the service and your new job in a self-employed capacity or as an employee.

## New job? Beware of conflicts of interest

It is important to think ahead, identify potential risks, and discuss these risks. Doing so protects both yourself and the service. Openness and mutual trust are essential. In many cases it is not enough to comply with the duty of confidentiality.

### Basic principles with regard to a sensitive transfer:

- be transparent about your new job and report the move in good time

- discuss the risks
- agree a cooling-off period: this always depends on the circumstances of the specific case.

### Cooling-off period prior to leaving employment

A cooling-off period can help to avoid problems. This involves taking a step back from your civil service duties before moving to your new job by reaching agreements about aspects such as access to certain information, or the tasks and responsibilities you have up to the time of the job move. Mutual agreements can also be reached in order to avoid direct contact with former associates for a specific period after you start your new job. The best solution will differ depending on the individual circumstances, but your cooperation is essential, and success will depend on your willingness to report a sensitive job move to your supervisor in good time. Your interests must be sufficiently taken into account.

## 4.7 Dealing with lobbyists

Article 5.3 of the WHO Framework Convention on Tobacco Control (*ban on the tobacco lobby*)

Circular letter regarding lobby ban for ministers (Circulaire lobbyverbod bewindspersonen) of 1 October 2017 (*lobby ban for former ministers*)

In the course of your work, you may encounter lobbyists: representatives trying to influence the decision-making process in their favour. This is not against the law. But are you always aware of it? And how do you then deal with these individuals? Make sure that you are both transparent and independent in the performance of your duties. Be aware of the interests of lobbyists and of the different ways of exerting influence. Lobbying techniques can be very direct (for example a visit or invitation), but also more indirect (for example co-financing research that influences policy). Discuss with your colleagues or supervisor where these situations may occur in the course of your work.

Sometimes it is in the public interest to avoid contact with lobbyists. In specific cases, for example the tobacco industry, contact with lobbyists is not permitted. International agreements stipulate that you cannot allow the determination and implementation of government policy to be influenced by the commercial and other vested interests of the tobacco industry. Where contact does occur, transparency is paramount. Amongst other things, this means that reports of permitted consultations with the tobacco industry are published on the website of the government organisation involved. Ministers are also legally prohibited from carrying out lobbying activities for two years after leaving office, to prevent conflicts of interest or the appearance thereof. For you, this means that, during that two-year period, you cannot have any business contact with the former minister in the course of your civil service duties in his or her former policy area. If you are ever faced with a situation like this, refer to your Secretary General.

## 4.8 Procurement, hiring and calls for tenders

Section 8, subsection 1, opening words and (b) of the Central and Local Government Personnel Act 2017 (*ban on participation in contracting and supplies for public services*)

Public Procurement Act (Aanbestedingswet) 2012 and Public Procurement Decree (Aanbestedingsbesluit) of 11 February 2013, (*amended in 2019, outdated links*)

Senior Executives in the Public and Semi-Public Sector (Standards for Remuneration) Act (Wet normering topinkomens) of 15 November 2012; (*link outdated*)

Letter from the Minister of the Interior and Kingdom Relations to the House of Representatives of 11 May 2001, kst-32501-15 (standard for overall spending on hiring in external staff and maximum hourly rate outside of master contracts);

Decision on the adoption of the General Government Terms and Conditions for Procurement (Besluit vaststelling Algemene Rijksvoorwaarden voor inkoop) (ARBIT-2018 [General Government Terms and Conditions for IT Contracts 2018], ARIV-2018 [General Government Purchasing Conditions 2018], ARVODI-2018 [General Government Terms and Conditions for Public Service Contracts 2016]); (*link outdated*)

Circular on the phasing out of payrolling as a method for hiring in external staff in the government sector (Circulaire afbouw van de inhuurvorm payrolling bij de sector Rijk) of 1 April 2014;

Circular on Limits for procedures according to the Public Procurement Act 2012 below the European threshold (Circulaire Grensbedragen voor procedures Aanbestedingswet 2012 onder de Europese drempelwaarde) of 3 August 2015; *link does not work, outdated?*

Recommendations from the National Audit Service (Auditdienst Rijk, ADR) report of 7 January 2015;  
Central Government Code of Contract Process Management (Code contractprocesbeheer rijksoverheid) 2008; (*link does not work?*)

### What are the rules?

Procurement, hiring and calls for tenders are a specialist field. You can find general information on the Rijksweb intranet, but you are advised to consult a procurement specialist where appropriate. Moreover, the parameters can rapidly become outdated and different implementing regulations and procedures apply to each organisation, for instance with regard to submitting tenders or to the mandatory involvement of a procurement implementation centre (*Inkoop uitvoeringscentrum*, IUC). The participation council occupies a unique position and its procurement needs (for example in relation to external consultancy) are not subject to the standard rules and procedures. It determines its own hiring and procurement procedures and reports them to the admini-

strator. If you are involved in this process, familiarise yourself with the rules and procedures currently applicable to your organisation and follow them. Both civil servants with a specific procurement need and their advisers, including procurement specialists, must bear in mind integrity risks. The procurement process must be carried out with due care and impartiality. Any appearance of unauthorised influence must be avoided, because the money being spent is public money.

It is important that the correct procurement procedure is followed, including when awarding follow-up contracts. Direct award procedures are only possible up to a specific maximum limit. A competitive tendering procedure takes place above this limit. Above a specific threshold amount, a tendering process according to the European regulations is compulsory. Any interested company can register or submit a tender for processes that are open to the public. In the case of other calls for tenders, the contracting authority determines who is invited to take part. When using a direct award procedure, it is important that you can commercially justify the choice of contractor or, if one or more tenders are submitted, the choice of participants. By doing so, you are accounting for your decision and ensuring that your reasoning is transparent. Avoid conflicts of interest and cronyism. Multiple tenderers can compete on price and quality, with the aim of ensuring equal opportunities, decisions based on commercial logic, and avoiding waste of public funds.

### Basic principles with regard to procurement, hiring and calls for tenders:

- fair competition is key
- follow the applicable rules and procedures
- beware of temptations and avoid preferential treatment, influence and conflicts of interest, or the appearance of such
- handle available information with care
- avoid making undue promises or creating expectations
- ensure that the decision-making process is independent.

The rules and procedures for procurement and calls for tenders feature integrity guarantees to ensure fair competition and to combat conflicts of interest and cronyism or the appearance of such. For example, you should not be able to influence the process if you have private contacts within the other party. If you find yourself in this position, report the situation in advance, so that arrangements can be made for someone else to take over from you in handling the matter. Business contacts can also have an undesirable influence on you and tempt you with all manner of sweeteners (such as gifts, benefits and invitations). It is important to remain vigilant, particularly in the case of long-standing contacts.

## Also stay alert in trusted relationships

To avoid problems, multiple people should be involved in the decision-making process in relation to procurement, hiring and calls for tenders, and you should preferably always be accompanied by a colleague during meetings with suppliers. Nevertheless, you remain personally responsible.

### External work, including by former civil servants

Arranging for external parties to carry out work falls under the procurement and tendering rules. Additional frameworks also apply in this context, such as fee capping. These frameworks apply in full where former civil servants are employed by the central government as a sole trader or in the service of an employer.

### Additional basic principles with regard to external work:

- there must always be a good reason for external contracting
- resist temptation or pressure to deviate from the applicable frameworks
- treat candidates for external work impartially and fairly
- make a decision based on commercial logic and justify this decision
- take extra caution when dealing with former civil servants.

It is central government policy for regular employment to take place on the basis of an employment contract. A very cautious approach should therefore be taken to external work: you must be able to justify it. If external work is essential for the organisation, fair competition is paramount and conflicts of interest and cronyism, or the appearance thereof, must be avoided. This is particularly relevant if you have personal influence on who a contract is awarded to. Consider the situation before inviting tenders. As the person awarding the contract, you will need to look at yourself critically and resist the temptation to favour a candidate you already know over other candidates. For example, you could involve someone in the selection procedure who has no personal links to the candidate.

Be aware that there is a high risk of creating the appearance of a conflict of interests, cronyism or other unethical conduct if you consider engaging a former civil servant as an external contractor. In this case it is even more important that you are able to properly explain and justify your decision. If you are unable to do so, do not invite a tender. An example of an undesirable situation is one in which a former civil servant who has left the central government with a severance payment is brought back in by the back door as an external contractor to carry out the same work. Bringing back a former civil servant to carry out the same work at considerably higher costs is also a sensitive issue. Rightly or wrongly, both examples create the impression of a government that is wasting money.

Another concern is that, as a manager, you have sometimes already identified someone to whom you want to assign a contract, for instance because you consider them particularly suited to the job or

because you want to reach agreements with an employee on the matter in the context of a severance scheme. Exceptions cannot be made from the rules in these circumstances. You cannot simply assign work to someone you know. The decision must always be made on objective grounds and substantiated, and the maximum limit for a direct award procedure cannot be exceeded. If you are required to invite multiple tenders, the competition must be genuine and impartial. It is particularly important for senior management to set a good example in this regard.

### Former civil servants as providers of products or services

Any appearance of conflicts of interest must be avoided both internally and externally. As a civil servant employed by the central government you therefore cannot sell products or services to the central government unless you are given permission to do so. Such permission is rarely granted. Moreover, in the context of a separation of interests, it is not desirable for you as a civil servant to advertise your products or services to your employer or colleagues for commercial purposes.

Following termination of your employment, there will no longer be a general ban on the sale of products and services, and you can then take part in central government procurement and tendering procedures in accordance with the applicable rules. As a former civil servant your duty of confidentiality continues to apply.

## 4.9 Involvement in independent research and scientific integrity

Netherlands Code of Conduct for Research Integrity (*Nederlandse gedragscode wetenschappelijke integriteit*), updated with effect from 1 October 2018. The code of conduct has been adopted by a number of government knowledge institutes, including the Royal Netherlands Meteorological Institute (KNMI) and the National Institute for Public Health and the Environment (RIVM).

Independent research is frequently used within central government for the purpose of preparing and evaluating policy, as well as for other reasons. This research may be carried out for the government itself or on behalf of other parties. Some research organisations actually form part of central government, such as the planning agencies and the National Audit Service (*Auditdienst Rijk*, ADR). As a civil servant, you may be actively or more passively involved in various roles in this kind of research: as a researcher, as commissioning party, as an expert sharing knowledge or information with the researchers, as a member of a monitoring committee, or as a member of a target group to which the research relates. The independence of the research must always be indisputable.

### Basic principles with regard to official contribution to independent research:

- stick to your task and be transparent about your input
- discuss your role and input with your supervisor
- under no circumstances influence the outcome of the research.



To avoid unauthorised influence or the appearance of such, it is important that as a party involved you act on the basis of a strict and clearly defined role, you are open about your contribution, and always discuss this with your supervisor in advance.

## Champion high-quality and independent research

### Involvement as an expert

If you provide input for independent research as an outsider and based on a functional role, you should maintain a distance and avoid any appearance of influence that affects the independence of the research. Be open about your input and discuss your contribution internally. Make sure that your contribution towards the content is stated on publication of the research, in the research report or in the research justification.

### Involvement as a commissioning party

If you are acting as a commissioning party, you will always have a degree of influence over aspects of the research. You are expected to provide the researcher with all the necessary information, dilemmas and data. You must not hold anything back, as to do so could have a material impact on the quality of the research. There is scope for discussion of the research topic, the research design and the validity of the research. However, you must always leave the researcher to do their work in a completely safe and independent manner, and not influence the outcome of the research, even if the research leads to a politically and socially less desirable outcome.

### Involvement as a researcher

If you are a researcher, you will often come across specific integrity guarantees and monitoring authorities, prescribed by international and national laws and regulations and specialist professional codes and standards. For scientific practitioners, there is a specific code of conduct to guarantee scientific integrity (see box) and a monitoring advisory body: the Netherlands Board on Research Integrity (*Landelijk Orgaan Wetenschappelijke Integriteit*, LOWI). The code of conduct for scientific practitioners sets out a large number of general principles with regard to quality and independence of research: the research must be accurate, complete and objective, verifiable and testable, and as a researcher your communication about the research must be open and realistic. Pressure to achieve must not jeopardise the quality of the research. Some organisations have appointed a Chief Science Officer and/or a Confidential Adviser for Scientific Integrity. These officers can support employees who have questions about scientific integrity.



# 5 Information and communication

## 5.1 Responsible handling of information

General Data Protection Regulation of 27 April 2016

Section 110 of the Constitution (Grondwet)  
(principle of public access)

Section 68 of the Constitution  
(obligation of ministers to provide information)

Government Information (Public Access) Act (*Wet openbaarheid van bestuur*) (will be replaced with the Open Government Act [*Wet open overheid*]) (obligation of administrative authorities to provide information)

Section 2:5 of the General Administrative Law Act (*Algemene wet bestuursrecht*)

Section 20 of the Works Councils Act (*Wet op de ondernemingsraden*)

Section 9 of the Central and Local Government Personnel Act 2017  
(duty of confidentiality applicable to civil servants and former civil servants)

Civil Service Data Information Security Decree 2007 (Besluit voorschrift informatiebeveiliging rijksdienst 2007, VIR 2007); Civil Service Information Security Baseline (Baseline Informatiebeveiliging Rijksdienst) (BIR 2012) (BIR 2017); Government Security Regulations 2013 (Beveiligingsvoorschrift Rijk 2013, BVR 2013);

Civil Service Information Security (Classified Information) Decree 2013 (Besluit voorschrift informatiebeveiliging Rijksdienst Bijzondere Informatie 2013, VIR BI 2013);

Rules of Conduct for the Digital Working Environment (Gedragsregeling voor de digitale werkomgeving) of 23 June 2016

### Internal and external information sharing

The government takes disclosure into account in the performance of its tasks. Disclosure is enshrined in the constitution. The basic principle of disclosure applies to all information relating to the policies pursued, including preparations for and implementation of policy. There are exceptions, namely if disclosing information would not be in the interest of the State. In that case the information is not disclosed. Examples include threats to state security, the protection of confidential shared business information or manufacturing information, and the protection of personal privacy. An exception also applies to the personal viewpoints of ministers, administrators and civil servants with regard to policy, if the information is the subject of internal discussions. This enables them to freely express their opinions at an internal level.

The Government of the Netherlands aims to be as open as possible in terms of external information sharing both on its own initiative and upon request. Bear this in mind, because as a civil servant you are constantly dealing with information: gathering information from others, sharing information with others or producing information yourself.

*Be open and maintain confidentiality where necessary*

External information sharing is essential to the proper performance of your duties and enables others to work with you. External information sharing also enables the general public and media to follow the process of policy formation and implementation. Internal information sharing is also very important. Remember that you are working in a political context in which the minister is responsible towards parliament for both policy and the civil servants who work within the ministry. If information is politically relevant, the minister must make parliament aware of the information in good time. If the information available to you is relevant to the minister and/or the House, it is therefore important to communicate this information to the minister via the line management as soon as possible.



**Basic principles with regard to handling information (see also the section below on ‘external contacts’):**

- share information to the extent that you are required to share it
- maintain the confidentiality of information
- use purpose-specific information exclusively for the purpose for which it was provided
- be objective and transparent when presenting research information.

**Confidential information (duty of confidentiality)**

Information that is already in the public domain can always be shared both internally and externally. However, sharing information that is not yet in the public domain may violate the duty of confidentiality: the duty to treat confidential information in confidence. The duty of confidentiality continues to apply even after you leave the civil service. You must continue to maintain the confidentiality of information. It is not always clear whether and to what extent information is confidential, so you must therefore carefully consider whether you need to keep information confidential. This applies to both internal and external information sharing. Has the information been labelled as confidential? Are there exceptional grounds for disclosure? Do you need to anonymise the information prior to disclosure? Are you authorised to share the information? With whom are you permitted to share the information? From when are you permitted to share the information? If you are not sure whether information is confidential, discuss this with your supervisor or with an expert within your organisation (e.g. a Government Information (Public Access) Act (*Wet openbaarheid van bestuur*, WOB) coordinator). When exchanging confidential information in the course of your duties, it is important that you only use the information for the purpose for which it was provided and that you do not request and exchange more or less information than necessary. If you are unable to share the requested information due to confidentiality, explain why.

**Preventing information leakage**

You must ensure that confidential information remains secure. This does not just mean that you do not ‘leak’ any confidential information, but also that you do not leave this information lying around or allow others to access it. You must act with due care when it comes to information and information carriers (such as tablets, smartphones, USB sticks) and take into account specific information security rules. Ask your employer about available resources and facilities, for example if you have permission to work while travelling by train. Stay alert. What do you say at home about your work? Who is listening when you talk about work? Who has access to your work computer, tablet or smartphone? Do you leave confidential documents on your desk? Do you carry confidential files around with you? Be aware of the risks, watch your belongings and be careful of what you say. If something goes wrong, report the problem immediately (see the text under 8.6 for more information).

**Presenting research information**

Responsible handling of information also means that you must not consciously withhold or manipulate relevant information if to do so is more convenient for you or for the organisation. For example, if certain sensitive research information is involved in the government’s decision-making process, the public interest is only served if all available information is presented objectively and can be taken into consideration. If there are sound reasons for disregarding certain information, this decision must be taken openly, in consultation and stating valid reasons, and must be recorded, so that it is always possible to check at a later time why this occurred.

## 5.2 External contacts and expressions of opinion

Section 68 of the Constitution (*obligation of ministers to provide information*)

Section 9 of the Central and Local Government Personnel Act 2017 (*duty of confidentiality applicable to civil servants and former civil servants*)

Section 10 of the Central and Local Government Personnel Act 2017 (*restriction of the fundamental rights of freedom of speech and the right to freedom of association, assembly and demonstration*)

Instructions for external contact by government officials (Aanwijzingen externe contacten rijksambtenaren) of 19 May 1998, particularly Instructions 3, 4, 5, 7, 11 (*contact with Members of Parliament*) and 12 (*contact with journalists*)

Guidelines for the application of these instructions of 23 January 2007 for contact with Members of Parliament (provides further information on frequently occurring information requests, such as legal and technical assistance, parliamentary inquiries, round-table discussions and working visits);

Guide to online communication for government officials (Handreiking online communicatie rijksambtenaren) 6 March 2019

Collective Labour Agreement for the Central Government Sector 2020 Chapter 15 and Annex 1 (compulsory advice from the Advisory Committee on the Fundamental Rights and Functioning of Public Servants [Adviescommissie grondrechten en functie-uitoefening ambtenaren] in the event of sanctions)

### External contact in the course of your duties

As part of your job, you are regularly in contact with others, including people outside the organisation. The extent to which this occurs depends on your role. Communication and the mutual exchange of information with the outside world are a good thing and are in keeping with our times, in which we are increasingly working together with the general public, companies and civil society organisations.

*As a public servant you do not speak for yourself*

It matters whether you are communicating as a private individual or as a civil servant. As a government official, you are ultimately employed by the minister and in the performance of your civil service duties you ultimately represent the minister in your external contact. Always remember that as a public servant you speak on behalf of the minister.

### Contact with the media

Be aware of your position as a civil servant when in contact with the media. Professional contact with the media takes place via the staff in the Information/Communication department. It is not advisable to speak to journalists yourself. If you are approached directly, refer to or consult with the staff in the Information/Communication department regarding how best to respond to the journalist.

### Contact with Members of Parliament

Contrary to what some might believe, civil servants are not prohibited from having professional contact with Members of Parliament. However, as a civil servant you must respect the principle of ministerial responsibility in your contact with Members of Parliament and in your contact with other external parties. After all, it is the government member (minister or state secretary) who renders account to the House of Representatives for the policies pursued. The House has a right to be informed. This means that information may be exchanged between civil servants and Members of Parliament. As a civil servant you should always limit yourself to the provision of factual information. Policy positions are reserved to the government member.

To ensure the principle of ministerial responsibility, contact between Members of Parliament and civil servants takes place in the presence of the government member wherever possible, and the minister decides whether to grant requests for contact with civil servants. As a civil servant, you may be asked to provide background information in the form of technical briefings. In this instance you must once again limit yourself to providing factual information. You should not render account for the policy pursued or to be pursued; this is left to the minister. Briefings are only held where approved by the minister and in consultation with the staff in the Information/Communication department and the parliamentary liaison officer.

### Practical arrangements within the ministries:

Members of the House of Representatives must be able to access factual information available within the ministries rapidly and efficiently upon request. There is a procedure in place within the ministries for this purpose, to ensure that Members of Parliament do not need to pose formal parliamentary questions every time they need to obtain information. Each ministry has a designated parliamentary liaison officer who Members of Parliament can contact by telephone or email if they require factual information that is in the public domain. The parliamentary liaison officer provides the information themselves, or asks a civil servant who is an expert in the field to provide the information or clarification. If the information is not in the public domain, the request is referred to the responsible government member.

### Basic principles with regard to contact with Members of Parliament:

- request permission in advance, the same applies to technical briefings

- only provide factual information: do not express any personal opinions or policy positions and do not render account for policy pursued
- observe the duty of confidentiality
- you can provide information that is in the public domain directly. You are advised to pass this information on to the government member via the line management and the parliamentary liaison officer
- information that is not in the public domain is provided via the line management and the parliamentary liaison officer.

### Personal expressions of opinion

Every citizen has the fundamental right to freedom of speech. This includes civil servants. However, as a civil servant, this right is restricted in relation to your official role. This means that you must exercise due care when openly expressing your personal views and therefore cannot simply say, write, like/share or tweet anything and everything. The same applies to posting photographs and images.

Your position within the organisation and your distance from the topic matter here. The closer you are to the policy domain in question, the more cautious you need to be. For example, if you work for the Inspectorate of Education you need to be more careful when expressing a personal opinion about the quality of education than if you work for the tax authorities. Conversely, if you work for the tax authorities you need to be more cautious about expressing a personal opinion on taxation. The social and political sensitivity of the topic are also relevant. This is especially true of topics that are in the news, or that are of particular interest to lobbyists. The time and way in which you make your views known matter. It is advisable to talk to your colleagues and/or supervisor first in these types of situations. In all cases you should always be mindful of the language and the media you use. Be aware that others can often easily find out your official capacity and then regard your opinions as the opinions of the ministry.

If you are publishing your own texts: state that the publication is in a personal capacity and make sure that there is no ambiguity about the fact that you are expressing your own personal opinion, not an opinion in your capacity as a civil servant. Consult your colleagues if in doubt.

### Basic principles with regard to communication and personal expressions of opinion:

- remember you are a civil servant first and foremost
- communicate in a decent and respectful manner
- maintain your duty of confidentiality
- do not make any statements that adversely affect your performance or the performance of the service.

## Think before you act!

If the service has encountered problems as a result of your statements, you may be subsequently called to account and possibly penalised (for more information see 8.5 Violations of integrity). This is likely to be the case if the problems are serious and you could have foreseen them. Always use your common sense and consider the possible consequences before making a particular statement. Be aware that danger can also lie in the finer details, for example if you post a comment or image that is meant as a joke to your private Twitter or Facebook, that then takes on a life of its own and can suddenly show your work in a bad light.

## 5.3 Online communication and social media

Online communication offers many advantages. The internet and social media have made it much easier to work whenever and wherever you want, to quickly find and easily share information, to have direct contact with others and to reach a large number of people at the same time. The internet offers a wealth of information, a welcome platform for the sharing of views, and nowadays plays an essential role in the link between 'internal' and 'external'. It is a good thing that more and more civil servants are using the internet as a platform for their professional activities, and presenting themselves as a good representative of the central government. This can be an advantage and is encouraged by the government. However, the internet and social media are also often used in a private context.

# Everyone is watching

Integrity is an essential part of your public image. It is precisely because of the speed, immediacy and wide reach of online communication that it poses an additional risk. The danger is that, as a user, you are no longer able to properly take stock of the risks.

## Basic principles with regard to online communication:

- as a civil servant you are an ambassador for your organisation
- the existing rules also apply online
- draw a distinction between your private life and your role as a civil servant
- ensure your participation remains responsible, targeted and measured.

## Remember:

- you can easily be identified by linking profiles and data trails
- posts can spread quickly and widely, even if this was not the intention
- post will remain available, can resurface at any time, and can haunt you
- what types of photographs do you post online? Are your colleagues happy to be recognisably featured in photos you post on the internet?



# 6 Working and private relationships

## 6.1 Etiquette

Section 1 of the Constitution (*ban on discrimination*)

Section 90(c) of the Dutch Penal Code (*legal definition of discrimination*)

Sections 137(c) to (g) inclusive and 429(c) (*criminalisation of discrimination, namely discriminatory defamation, inciting discrimination against or hatred of groups of people, distributing material with discriminatory content, participating in an organisation that is discriminatory, intentionally discriminating on the basis of race in the exercise of an office, profession or business (=serious offence), unintentionally discriminating in the exercise of an office, profession or business (=minor offence)*)

Legislation on equal treatment:

- Equal Treatment (Men and Women) Act (Wet gelijke behandeling mannen en vrouwen) (1980)
- Equal Treatment Act (Algemene Wet Gelijke Behandeling, AWGB) (1994), on the basis of which the Equal Treatment Commission (Commissie Gelijke Behandeling, CGB) was established.
- Equal Treatment (Working Hours) Act (Wet onderscheid arbeidsduur) (1996)
- Equal Treatment of Disabled and Chronically Ill People Act (Wet gelijke behandeling op grond van handicap of chronische ziekte) (2003)
- Equal Treatment in Employment (Age Discrimination) Act (Wet gelijke behandeling op grond van leeftijd bij de arbeid) (2003)

Section 4, subsection 1, of the Central and Local Government Personnel Act (*prevention of discrimination by public sector employers*)

Section 3, subsection 2, of the Working Conditions Act (*Arbeidsomstandighedenwet*) (*employer's duty of care to prevent psychosocial work stress, including sexual intimidation, aggression and violence, bullying and job pressure*).

Central Government Occupational Health and Safety Catalogue (*Arbocatalogus Rijk*) (*add link*) (*detailed in policy for each ministry*)

### Desirable behaviour: respectful, courteous and collegial

As a civil servant, you are expected to be respectful in your dealings with others both inside and outside the organisation. This means taking one another seriously, listening to each other and treating one another with courtesy. You are expected to support and, where necessary, correct each other in this context. Within the central government we aim for collegiality, cooperation, team spirit, openness

and a service-oriented attitude. You should respect one another's privacy and make allowances for one another. You should help each other where necessary and, for example, comply with the internal rules of the organisation.

### Undesirable behaviour

Bullying, intimidation or sexual intimidation, discrimination, aggression and violence are manifestations of undesirable conduct and will not be tolerated within the Government of the Netherlands. Manifestations can be both verbal and non-verbal, oral, written or digital. This behaviour is sometimes intentional, but in some cases also less intentional.

#### To what undesirable behaviour do these terms refer?

- **Bullying:** repeated undesirable negative behaviour, against which a person cannot properly defend themselves. Examples: belittling/demeaning comments, constant criticism, physical assault or threats, isolating/excluding/ignoring someone, spreading gossip/malicious rumours, lies or false accusations about someone.
- **Sexual intimidation:** sexual advances in any form, asking for sexual favours or other behaviour of a sexual nature that is undesirable to the person to whom it is directed. Examples: comments/jokes of a sexual nature, showing someone images of a sexual nature, looks or gestures of a sexual nature, unwanted touching.
- **Intimidation:** enforcing obedience by instilling fear in someone or exerting pressure on them by means of psychological or physical violence or with the threat of negative consequences (for example a bad appraisal or dismissal).
- **Aggression:** behaviour that someone uses to destroy something, to inflict injury on another person, or to make clear what they do or do not want, provoking feelings of fear, pain, distress or anger in the other person. In addition to violence, this includes threatening, using abusive language and dominating.
- **Violence:** causing physical injury, destroying or damaging something.
- **Discrimination:** making unjust distinctions in the treatment of people based on a particular characteristic (ground for discrimination). Discrimination can take the form of bullying or intimidating behaviour, sexual or otherwise.

### What grounds for discrimination are set out by law?

These are: age, sexual orientation, religion, personal beliefs, race (skin colour, origin, national or ethnic background), sex, nationality, disability or chronic illness, political views, civil status, type of employment contract and working hours.

### What can you do about undesirable behaviour?

Make it clear as a team that this kind of behaviour is unacceptable by setting a good example yourselves, holding each other to account for undesirable behaviour and supporting colleagues who are the victims of undesirable conduct.

## Treat others as you want to be treated

Management has an important position as a role model and must correct undesirable behaviour. Employees follow the example of their superiors and are more likely to accept corrections to their behaviour if management themselves set a good example. As a victim of undesirable conduct, you can contact a confidential adviser or your supervisor

and initiate a complaints procedure if necessary. If you are found to have behaved in an undesirable manner towards others, you may be penalised.

### Prevention of undesirable behaviour

In accordance with the Working Conditions Act, employers are obliged to pursue a working conditions policy that is aimed at optimising working conditions wherever possible. In order to formulate an effective working conditions policy, the employer must draw up a list of all risks that may occur within the company. Based on this analysis, the employer produces an action plan, including measures they will take to tackle the risks. The employer uses the Central Government Occupational Health and Safety Catalogue (*Arbocatalogus Rijk*) for this purpose. This risk analysis and action plan must encompass bullying and undesirable behaviour. As an employee, ask what measures your organisation has taken and plans to take. This is a question that you can also ask the participation council at any time, since it is required to approve the action plan. Another option is to contact the occupational health and safety officer.





## 6.2 Private relationships

Section 6, subsection 1, of the Central and Local Government Personnel Act 2017 (*being a good civil servant*)

Section 10 of the Central and Local Government Personnel Act 2017 (*restriction of the fundamental rights of freedom of speech and the right to freedom of association, assembly and demonstration*)

Collective Labour Agreement for the Central Government Sector (CAO Rijk) 2020 Chapter 15 and Annex 1 (*compulsory advice from the Advisory Committee on the Fundamental Rights and Functioning of Public Servants [Adviescommissie grondrechten en functie-uitoefening ambtenaren] in the event of sanctions*)

### Private relationships at work

Private relationships can develop wherever people get together, including at work. A family relationship, friendly relationship or love relationship can exist between colleagues, or between a civil servant and an external associate. There is nothing wrong with this in itself. However, in some cases these types of relationships can be or become problematic and can be associated with an integrity risk. Examples include conflicts of interest or the appearance thereof, or the sharing of confidential information. There may be a perception of preferential treatment. Moreover, a relationship or the breakdown of a relationship can have an adverse effect on working relationships. The risk is greater if the posts come into contact in any way. The risk is also greater if there is a relationship of dependence, as is the case with a relationship between a superior officer and a subordinate.

Being a good civil servant means remaining professional and objective at work. If the private relationship could prevent you from behaving in this way and could constitute an integrity risk, it is your responsibility as a good civil servant to report the situation to your immediate supervisor. The supervisor to whom you report the private relationship is required to deal with the report discretely and with respect for your privacy, and to consult with you to identify any special measures that need to be taken. For example, it is not desirable for partners to assess,

check or approve one another's work. Where necessary, working agreements will be made or tasks allocated differently. A transfer to another department or unit may in some cases be unavoidable.

### Undesirable private contact

The public must be able to trust the government to be a decent and ethical organisation. Your private contacts can affect this trust. However, as a civil servant, you have a right to the protection of privacy and to freedom of association, provided that exercising this right does not adversely affect your performance or the performance of the service.

Associating with individuals who show the government in a bad light can be inconsistent with being a good civil servant. The extent of the integrity risk in a specific case depends on the circumstances, your civil service role and how vulnerable this role is. Some roles are at higher risk of a negative image than others, depending on the nature of your work, your public visibility and your position within the organisation. In particular, supervisory officers, investigating officers or other posts in the broader field of security, enforcement or the judicial system, are exposed to a greater integrity risk.

## With whom do you associate?

What private contact is undesirable? Contact with individuals who you are aware or should be aware are guilty of infringing standards and laws on a more or less ongoing basis (and who sometimes even glorify such behaviour). The same applies to membership of associations or participation in groups with a bad reputation who are regularly discredited due to activities such as crime and vandalism, even if the association or group itself is not prohibited.

If you suspect any undesirable private contact, it is advisable to discuss this with your supervisor or a confidential adviser. If you are open about the situation, measures can be taken if necessary to protect you and the service against adverse effects.

# 7 Abroad

## 7.1 General points you should bear in mind

Collective Labour Agreement for the Central Government Sector 2020 Section 10.3 International business travel

Ministry of Foreign Affairs Integrity Code of Conduct (Gedragcode Integriteit BZ) Think before you act (*applicable to civil servants employed in a post outside the Netherlands*)

Government officials are increasingly working at a more international level. This code of conduct also applies during international business travel. If you travel or stay abroad for work, you need to take certain details into account. The same applies outside the Netherlands: remain professional.

### You represent the Netherlands

As a civil servant abroad you must always be aware that you are not only representing the central government, but also the Netherlands as a state. You are therefore jointly responsible for the reputation of the Netherlands in the rest of the world. This applies both during your work and in your free time. Outside the Netherlands, your private conduct can sometimes attract more attention and affect your job performance of the image of the Netherlands in the world.

*When you travel internationally you are representing the Netherlands*

### Basic principles with regard to international travel and stays:

- behave in a way that is appropriate, responsible and representative of the Netherlands
- follow the rules and respect local customs, standards and values
- keep business interests strictly separate from private interests
- prepare well, check for security risks and additional policies.

Other countries can have different cultures with associated values and customs. What is acceptable within one culture may not necessarily be acceptable within another. It is important to be aware of this and to

understand these differences. Wear appropriate clothing, avoid behaviour that could cause offence (for example using cameras without permission), adapt your behaviour if necessary, for instance with regard to alcohol consumption, and be careful when it comes to humour. Avoid a situation in which anyone loses face in front of others.

Respect the laws and customs of the host country, including with regard to the exchange or payment of money. You are responsible for paying any traffic fines you incur. You must also comply with the laws and rules of the Netherlands, which may be stricter. In the case of road transport, for example, you must also adhere to Dutch traffic rules including those relating to the use of seat belts, standards of driving and alcohol consumption.

Bribery, for instance offering a bribe to a government official in another country, is a criminal offence. Actions that are unacceptable or unethical in the Netherlands must also be strictly avoided during international travel.

If you are eligible for privileges and immunities as a civil servant in the host country (such as tax exemption), only use these where appropriate. Improper use can harm the reputation of the Netherlands. To ensure a clear separation of private and business interests, you yourself should not reach a decision regarding the necessity of international travel. When going on a business trip, familiarise yourself with any additional information or rules, for instance regarding safety.

## 7.2 Further information on specific topics

Collective Labour Agreement for the Central Government Sector (CAO Rijk) 2020 Section 10.3 International business travel

Rules of Conduct for the Digital Working Environment (Gedragregeling voor de digitale werkomgeving) of 23 June 2016

*Any additional organisation-specific rules.*

### Gifts from international associates

When travelling abroad, it may be considered impolite to refuse a valuable gift. Particularly in a diplomatic or consular setting, refusing to accept a gift of value may not be appropriate given the local customs. In that case, view it as a gift for the organisation and accept it, then discuss with your supervisor what to do next. One option is to display the gift in a glass cabinet.



Different rules apply if there are job-related reasons for your partner to accompany you. For example, if your partner's presence is desirable to give a positive representation of the Netherlands or of the organisation you work for. If you and your supervisor reach the conclusion that bringing your partner along is demonstrably in the interests of the service, the service will also cover your partner's travel and accommodation expenses.

#### **Basic principles:**

- do not make private arrangements for your partner to travel with you, as it is a business trip
- consult with your supervisor if exceptional circumstances apply
- if it is in the interest of the service, your partner can travel with you at the expense of the service.

#### **Loss or theft of information**

The loss or theft of information abroad can have particularly severe repercussions. It is therefore essential that you minimise the risk of such an incident occurring. This applies to all destinations, not just destinations where you are already extra vigilant. Limit the amount of confidential information you take with you as much as possible when travelling abroad. Never leave valuable information in a safe deposit box at a hotel or station. Instead, always carry documents and data carriers with you in your hand luggage – preferably in a seal bag (a special, sealable security envelope). During your trip, you should also avoid discussing confidential matters in public spaces or while travelling by plane, taxi or public transport. If information is lost or stolen, report the incident immediately.

#### **Internet and social media use**

Be aware of the risks associated with using public Wi-Fi. To the outside world, you are a representative of the Dutch government, not someone who is stating a private opinion. The same applies to social media use. Sensitivity may be greater abroad than in the Netherlands.

#### **Use of mobile devices**

Appropriate private use of business mobile devices abroad is permitted. Misuse, namely excessive, exuberant, disruptive or damaging private use, is not permitted. As you can quickly use up a lot of data abroad, at high costs, private use can quickly become excessive. For this reason, you are expected to strictly limit private use of your work devices during international travel. There is no objection to a short, one-off private phone call to the Netherlands or message via WhatsApp. When you set up a mobile device as a Wi-Fi hotspot, the costs can skyrocket in no time at all without you realising. If you do this, you may be required to cover some or all of the costs. Also bear in mind the potentially high costs when using mobile devices for business purposes abroad. Find out about the specific agreements in place for your ministry.

# 8 Prevention and enforcement

## 8.1 Start of employment and taking the oath/making a solemn affirmation

*Section 3a of the Central and Local Government Personnel Act 2017 (assessment of suitability and competence)*

*Section 5, subsection 1, of the Central and Local Government Personnel Act 2017 (employer's duty of care to administer the oath/solemn affirmation)*

*Section 7 of the Central and Local Government Personnel Act 2017 (civil servant's obligation to take the oath/make the solemn affirmation)*

*Section 12 of the Central and Local Government Personnel Act 2017 (positions involving confidentiality)*

*Section 5 and Annex to the Implementation Decree of the Central and Local Government Personnel Act 2017 (oath and solemn affirmation)*

*Security Screening Act (Wet veiligheidsonderzoeken, Wvo) and Guidelines for the Designation of Positions Involving Confidentiality (Leidraad Aanwijzing Vertrouwensfuncties) of September 2014 (General Intelligence and Security Service [Algemene Inlichtingen- en Veiligheidsdienst, AIVD] publication).*

Integrity is something that you need to consider even before you start your employment with the civil service. For example, you must be honest in the information you provide in your application and not withhold any relevant information. If it emerges later that you lied or failed to mention something, you could be dismissed. On top of this, there are various ways of checking whether there are any issues before you commence employment (screening). You may be asked to provide a 'certificate of conduct', which shows whether you have committed any criminal offences that are relevant to your position. Some positions are subject to a more detailed screening process, including 'judicial data screening' or (for designated positions involving confidentiality) 'security screening'

## *Taking the oath or making the solemn affirmation is no casual matter*

After you join the civil service you must take the oath or make the solemn affirmation. In doing so, you are declaring that you are aware of what it means to be a government official and that you will behave accordingly. You sign the oath form and it is then placed in your personnel file.

### **By taking the oath or making the solemn affirmation I promise that I:**

'swear allegiance to the King and will honour the Constitution and all other laws of the Netherlands'

'have not provided, either directly or indirectly, in any form whatsoever, false information in order to obtain my appointment'

'have not made and will not make any gift or promise to anyone in order to obtain my appointment'

'have not and will not accept any gift from or make any promise to anyone in order to obtain my appointment'

'will dutifully and conscientiously perform the tasks assigned to me and will keep secret any information that comes to my knowledge in the course of my duties, which I know or should reasonably assume to be of a confidential nature, from persons other than those I am obliged to inform by virtue of my office'

'will behave as befits a good civil servant, I will be prudent, incorruptible and trustworthy, and I will not do anything that could affect the standing of the office.'

## 8.2 Effective conversations

It is very important to regularly discuss integrity dilemmas and to look together at what behaviour is acceptable 'as a good civil servant' and what behaviour is not under specific circumstances. This applies to a wide range of topics, not limited to those mentioned in this code of conduct. Engage in discussion and do not be afraid to adopt an open attitude. You will find that many people are facing the same issues and that they often have a different perspective. These different insights can be highly enlightening.

It is particularly important for supervisors to adopt this approach: being forthright about difficult decisions encourages others to do the same. There are many resources available to encourage debate on dilemmas. This can be done during organised sessions, using familiar examples from everyday practice. But it is also about daily discussions in the workplace. The process starts with effective conversations: for a conversation to be effective, you need to trust one another and show a willingness to genuinely listen to one another without judgement. Only then will you feel completely safe to be candid with each other and is it possible to correct each other in an acceptable and respectful manner, preventing matters from getting out of hand and becoming integrity incidents.

## 8.3 Focus on vulnerable jobs and vulnerable civil servants

A job is vulnerable if your integrity is likely to be tested in the performance of your duties. Examples of specific positions that are exposed to a greater integrity risk are positions involving confidentiality, supervisory positions, investigating positions and positions in the broader field of security, enforcement or the judicial system. More general examples include positions where you are particularly visible as a civil servant, where you work with sensitive information, where you have long-term relationships with specific external contacts, such as specific suppliers, or where you are involved in a particular subject area in both an advisory and supervisory capacity at the same time.

You are a vulnerable civil servant if, apart from your position, circumstances apply that mean your integrity is likely to be tested, for example because you are more sensitive to blackmail. You may be vulnerable if you have financial problems, suffer from an addiction, have certain private contacts (including partners and family members), have a love relationship at work, or if you carry out certain ancillary activities. You are also a vulnerable civil servant if you, or your close relatives, can be linked to breaches of the law.

### Openness can avoid problems

It is the responsibility of a good employer to protect you against integrity risks wherever possible. It is your responsibility as a good civil servant to enable your employer to do so. It is therefore advisable to discuss any risks and vulnerabilities, which requires openness and mutual trust. If you do not want to approach your supervisor directly, for instance in connection with possible privacy issues, discuss the situation with a confidential adviser.

Various actions can be taken, such as a separation of duties, job rotation or job swap, and in some cases an internal transfer may be the solution. Separation of duties means that some tasks are assigned to others, job rotation involves regularly changing your range of tasks, and with a job swap you exchange responsibilities with a colleague. In the case of an internal transfer, you fulfil your function, or possibly even a different function, somewhere else within the organisation.

For financial, or other problems relating to your private life, you can contact a staff welfare officer or a special debt counsellor.

## 8.4 The role of the confidential adviser

Section 3, subsection 2, of the Working Conditions Act (*Arbeidsomstandighedenwet*) (*enshrinement of the undesirable conduct counsellor*)

Collective Labour Agreement for the Central Government Sector 2020 Chapter 13 Rules and provisions for reporting a suspected abuse (*enshrinement of the confidential adviser for integrity issues*)

Sections 160 and 162 of the Code of Criminal Procedure (*Wetboek van Strafvordering, Sv*) (*duty to report in cases provided for by the law*).

Within the organisation, there are one or more designated confidential advisers for integrity issues and/or undesirable conduct. If you have questions about integrity, are facing a dilemma, have identified a potential integrity risk or integrity violation, or have encountered undesirable conduct, your supervisor is your first point of contact. However, you also have the option to approach a confidential adviser, for instance if you are not yet ready to take the step of informing your supervisor, or perhaps if your supervisor is involved. The confidential adviser is there to listen in confidence, provide information, issue advice and make a referral where necessary. The confidential adviser is independent. You must be able to discuss any questions, concerns or suspicions in confidence. The confidential adviser's role is based on care and trustworthiness.

If you suspect that an integrity violation has occurred, serious or otherwise, the confidential adviser can inform you about the reporting procedure and assist you if you so wish. You yourself remain responsible for your report. Although confidentiality is of paramount importance, the confidential adviser will inform you in advance that confidentiality is not fully guaranteed in all cases. In certain situations, the confidential adviser has a duty to report, for instance in the event of a serious offence, which may or may not involve abuse of office. The confidential adviser may also feel compelled on moral grounds, for example if lives could be at stake, to share the information provided with others, thus breaching confidentiality.



## 8.5 Violations of integrity

Section 44 and Title XXVIII of the Dutch Penal Code (serious offences involving abuse of office); Section 162 of the Code of Criminal Procedure (reporting serious offences involving abuse of office)

House for Whistleblowers Act (Wet Huis voor klokkenluiders) of 14 April 2016, Bulletin of Acts and Decrees 147 and 148 (amending Act)

CLA for the Central Government Sector 2020 Chapter 13 Rules and provisions for reporting a suspected abuse

CLA for the Central Government Sector 2020 Appendix 12 Procedure following receipt of a report of a suspected abuse

Section 5 of the Central and Local Government Personnel Act 2017 (employer's duty of care with regard to reporting abuses)

Section 6 of the Central and Local Government Personnel Act 2017 (sanction for failure to behave as a good civil servant)

CLA for the Central Government Sector 2020 Chapter 15 Disciplinary action and sanctions

CLA for the Central Government Sector 2020 Appendix 1 Definitions; AGFA (Advisory Committee on the Fundamental Rights and Functioning of Public Servants, Adviescommissie grondrechten en functie-uitoefening ambtenaren)

Rules of Conduct for the Digital Working Environment (Gedragregeling voor de digitale werkomgeving) of 23 June 2016

PM Personal Investigation Baseline (Baseline persoonsgericht onderzoek, Bipo) (expected in 2020)

Ministerial complaints procedures for undesirable conduct

### Discuss, point out and report

If you suspect an integrity violation, you cannot simply overlook or continue to overlook the situation. You are first and foremost expected to discuss behaviour that transgresses moral standards and call others to account for such conduct. In more serious situations or if confronting the person does not help, you are expected to, at the very least, point out that you suspect an integrity violation or to formally report your suspicion. Initially, you should preferably bring the integrity violation to the attention of your supervisor. You can also discuss it with a confidential adviser at any time. With the help of your discussion partner, you will then determine whether you want to formally report the incident or whether you want the confidential adviser to report it for you in confidence. The decision to report is ultimately yours, however you have an obligation to report serious offences, whether or not they involve abuse of office, including to the police. This is usually done via your supervisor. A serious offence involving abuse of office is a crime that is specifically a punishable offence for civil servants, or that is subject to a more severe penalty where committed by a civil servant, since it involves the use of power, opportunity or means acquired by virtue of their office. Examples include: misappropriation of funds, falsification of accounts or records, destruction of evidence, bribery, abuse of authority, or intentionally allowing someone to escape.

### Reporting abuses

There is a government-wide procedure for reporting abuses, which is set out in the Collective Labour Agreement for the Central Government Sector. Not every integrity violation is an abuse: the public interest must be at stake. Examples include if there is a risk to public health, the safety of individuals or the environment, or if something highly inappropriate is being done or not done, as a result of which the public service is no longer able to function properly. Before making a report, you will usually first discuss a suspected abuse internally: with your direct supervisor, with a more senior supervisor, or with a confidential adviser. If you feel that your suspicion is serious enough to report as an abuse, you can report it to the competent authority or to an information line set up specifically for this purpose. The confidential adviser

can make a report on your behalf if you wish. The confidential adviser is obliged to keep your name confidential. If you report an abuse, the people involved in handling the report will work in the same confidential manner. As a person making a report, or a whistleblower, you must not be adversely affected as a result of reporting a suspected abuse.

Abuse can also be reported externally to the Investigation Department of the Dutch Whistleblowers Authority (*Huis voor Klokkeluiders*). You can do this if no investigation is launched in response to your internal report or if you are dissatisfied with the findings of the investigation, the verdict on the findings or the associated consequences. If necessary, reports can also be submitted directly to the Whistleblowers Authority if the circumstances surrounding the abuse mean that it is not reasonable for you to report it to a supervisor or confidential adviser. This could be the case if multiple supervisors and/or senior management are involved in the abuse, or if there is a risk that evidence may disappear.

### **Investigation and penalties**

Violations of the integrity rules can have a number of consequences depending on the nature and severity of the violation and the specific circumstances. Very serious cases may result in your dismissal for urgent cause or due to imputable acts or omissions. This is stipulated in the Civil Code (Book 7) and is beyond the scope of the Collective Labour Agreement for the Central Government Sector. However, what is indeed covered in the CLA for the Central Government Sector is the penalties the employer can impose, such as a written reprimand or a fine. The facts of the case must be clear before a penalty can be imposed, for which an investigation may first be required. The facts and circumstances must be properly ascertained. This involves hearing both sides of the argument, accurate reporting and the proportionate use of investigative resources. If you disagree with the penalty your employer wants to impose on you, you can submit this to the disputes committee. The relevant procedure is set out in the CLA for the Central Government Sector. If your employer wants to penalise you for expressing your personal views in public, attending a demonstration or gathering or being a member of a particular association, they can only do this after seeking the advice of the Advisory Committee on the Fundamental Rights and Functioning of Public Servants (AGFA).

## **8.6 Further information and advice**

You can find further information on violations of integrity and how to report them on the Rijksweb(link)/intranet or at P-Direkt.nl. Organisations also have their own procedures for reporting integrity violations. Enquire within your organisation. Bear in mind that an integrity violation is potentially also a security incident, for which specific reporting procedures may apply. There are separate procedures for complaints regarding undesirable conduct, intimidation or sexual intimidation. The ministries and units also often have their own complaints procedures for undesirable conduct and sexual intimidation. For information and advice about serious offences involving abuse of office or the associated reporting process, you can contact the National Police Internal Investigations Department's Advice Centre for Serious Offences Involving Abuse of Office (Adviespunt voor ambts-misdrijven van de Rijksrecherche).

You can contact the Dutch Whistleblowers Authority for advice on reporting abuses. The Authority also provides information about whistleblowing and integrity for employees and employers.

There will always be situations in which it is not clear what you should do. Ethical conduct is about so much more than the application of rules, guidelines and procedures. It is a case of being aware of interests and potential effects, of assessing and making decisions. Discussions with colleagues and supervisors will not always produce an immediate answer. Moreover, there is often more than just one solution to issues of integrity. You should therefore take advantage of the knowledge and experience of people who deal specifically with integrity, such as the confidential adviser, compliance officer and integrity coordinator. They will be happy to help you.

*Do not be afraid to ask*



# Model Integrity Statement for External Parties

**As an external central government employee, I declare the following:**

**Values of integrity:**

I understand that, as a representative of the central government, I serve the public interest and that this work carries a special responsibility with it. The general public must be able to trust in the central government and also therefore in me. This means that I will always conduct myself as a good representative of central government and act in accordance with the values of integrity set out in the Integrity Code of Conduct for the Central Government Sector:

- independent and impartial
- reliable and prudent
- accountable for my responsibility.

**Code of conduct and other regulations:**

I have taken note of the Integrity Code of Conduct for the Central Government Sector and the Rules of Conduct for the Digital Working Environment (optional: and any specific organisation regulations) and

will comply with them. These regulations were issued to me at the start of my activities or sent to me in advance.

In particular, I have been made aware of the following two aspects of the regulations:

**Confidentiality and information security:**

I have been informed of my obligations regarding the confidentiality of the information entrusted to me and I am aware that failure to comply with this obligation can result in criminal prosecution. I am aware of my responsibility with regard to the security of information and information carriers. I am also aware that the duty of confidentiality relating to information continues once my duties are complete.

**Conflicts of interest:**

I realise that in absolutely no way at all may there be any conflict of interest. If a conflict of interest might nonetheless occur, I will report this immediately of my own accord.

---

**External party (name + initials):**

**Commissioning party (name + initials):**

**Company (where applicable):**

**Organisational unit:**

**In the role of (assignment):**

**Job title:**

**Signature:**

**Initialed:**

**Place and date:**

**Place and date:**

# Table of amendments

## Amendments 2016

|            |   |   |
|------------|---|---|
| 4.1.3      | Financial interests and securities trading              | Renumbered from 4.1.4 to 4.1.3 (text unchanged)   |
| 4.1.4      | Ancillary activities and incompatible duties            | Rewritten and renumbered from 4.1.3 to 4.1.4  |
| 4.1.5      | Cooling-off period in the event of a sensitive job move | New (new policy)  |
| 4.1.6      | Procurement, hiring and calls for tenders               | Rewritten due to amended regulations and policy in relation to external work ( <i>ending of the ban on revolving door arrangements within the civil service</i> ) |
| 5.4        | Violations of integrity                                 | Editorial changes due to amended regulations ( <i>introduction of the Dutch Whistleblowers Authority</i> )  |
| Appendix 1 | Model Integrity Statement for External Parties          | New   |
| Appendix 2 | Table of amendments                                     | New   |

## Amendments 2017

|       |  |                                    |
|-------|--|------------------------------------|
| 4.1.7 | Involvement in independent research and scientific integrity | New                                |
| other |  | Amendments and updates to the text |

## Amendments 2020

|               |   |  |
|---------------|---|--|
| General       |   | Adapted to the Public Servants (Standardization of Legal Status) Act ( <i>Wet normalisering rechtspositie ambtenaren, Wnra</i> ) |
| General       |   | Editorial review and renumbering   |
| 2.2           | Status and scope of application of this code of conduct                                       | New definition of scope of application due to the Wnra   |
| 2.1           | A good public sector employer   | Focus on conflicts of loyalty/position of whistleblowers   |
| 2.2           | A good public sector employee and civil servant   | Focus on conflicts of loyalty/position of whistleblowers   |
| 4.1           | Gifts, services and other benefits or rewards   | Rewritten  |
| 4.7           | Dealing with lobbyists  | New  |
| 5.            | Information and communication   | Rewritten  |
| 6.1           | Manners   | Rewritten  |
| 7             | Abroad  | New  |
| 8.2           | Effective conversations   | New  |
| 8.4, 8.5, 8.6 | The role of the confidential adviser; Violations of integrity; Further information and advice | Rewritten  |

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